IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

Crl.MC.No. 814 of 2007()

C.R.NO.66/04 OF EXCISE RANGE OFFICE, NEYYATTINKARA.

PETITIONERS:

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1. BABU, S/O. KARUNAKARAN, MEDAYIL VEEDU,
MANGALATHUKONOM,
THIRUVANANTHAPURAM.

2. SUKU, S/O. LOKESAN,
LICENSEE T.S.NO.3/06-07,
NEYYATTINKARA EXCISE RANGE,
PACHALLOOR POST OFFICE.

BY ADV. SRI.S.KRISHNAMOORTHY

RESPONDENTS:

STATE OF KERALA,
REP. BY EXCISE INSPECTOR,
NEYYATTINKARA EXCISE RANGE,
THIRUVANANTHAPURAM BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY P.P. SRI.GIKKU JACOB.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 21/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 814 OF 2007

Dated this the 21st day of March, 2007

ORDER

The learned counsel for the petitioners submits, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that in the light of the decision in **State of Kerala v. Unni (**2007 (1) KLT 151 (SC)), this prosecution in which the only allegation is that the percentage of Ethyl Alcohol in toddy exceeds the permissible figure cannot be sustained.

2. This Crl.M.C. is, in these circumstances, allowed. All proceedings in pursuance of C.R. No.66/04 of Neyyattinkara Excise Range Office, Thiruvananthapuram, against the petitioners are hereby quashed.

(R. BASANT, JUDGE)

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